



JANUARY 2013

COUNTRY SUMMARY

CHINA

China's new leadership, consisting of the Communist Party's seven permanent standing committee members, assumed power at the 18th Party Congress in November, ending the decade-long leadership of Hu Jintao and Wen Jiabao.

That era saw sustained economic growth, urbanization, and China's rise as a global power, but little progress on human rights. The government rolled back protections on the administration of justice, presided over a significant rise in social unrest, including the largest inter-ethnic incidents in decades in Tibet and Xinjiang, and expanded the power of the security apparatus.

Chinese people had no say in the selection of their new leaders, highlighting that despite the country's three decades of rapid modernization, the government remains an authoritarian one-party system that places arbitrary curbs on freedom of expression, association, religion, prohibits independent labor unions and human rights organizations, and maintains party control over all judicial institutions. The government also censors the press, internet, and publishing industry, and enforces highly repressive policies in ethnic minority areas in Tibet, Xinjiang, and Inner Mongolia.

At the same time, citizens are increasingly prepared to challenge authorities over volatile livelihood issues, such as land seizures, forced evictions, abuses of power by corrupt cadres, discrimination, and economic inequalities. Based on law enforcement reports, official and scholarly statistics estimate that there are 250-500 protests each day, with anywhere from ten to tens of thousands of participants. Despite facing risks, internet users and reform-oriented media are aggressively pushing censorship boundaries by advocating for the rule of law and transparency, exposing official wrongdoing, and calling for political reforms.

Despite their precarious legal status and surveillance by the authorities, civil society groups continue to try to expand their work. An informal but dedicated network of activists monitors and documents human rights cases under the banner of a country-wide *weiquan* (rights defense) movement. These activists face a host of repressive state measures.

The government announced in its 2012-2015 **“National Human Rights Action Plan”** that it would interpret its international legal obligations on human rights with a new vaguely defined **“principle of practicality”**—departing from its previous rhetorical commitment to the principle of universality of human rights. The new principle appears to be another **iteration of the government’s oft-repeated justification that China’s “national conditions”** do not allow for participatory politics.

Human Rights Defenders

Human rights defenders in China regularly face police harassment, house arrest, short-term detention, “reeducation through labor,” forcible commitment to psychiatric facilities, or imprisonment on criminal charges, often on state security or public order grounds.

Nobel Peace Prize laureate Liu Xiaobo is serving an 11-year sentence in Heilongjiang province for incitement to subvert state power. His wife, Liu Xia, has been missing since December 2010. She is believed to be under house arrest in the capital Beijing to prevent her **from campaigning on her husband’s behalf.**

Li Tie, a writer and dissident from Wuhan in Hubei province, was sentenced on January 18 **to 10 years in prison for subversion. Li’s especially harsh sentence was the last of several** given to several long-standing democracy activists in the wake of the Arab Spring.

After a year in detention, veteran activists Ni Yulan and Dong Jiqin were sentenced on April 10 to two years and eight months, and two years respectively **for “creating a disturbance.”** **An appeal court shortened Ni’s sentence by two months in July.**

In late April, the blind activist Chen Guangcheng escaped from his home in Shandong province where he had been unlawfully confined with his family since his release from an unjustified prison term for “intentionally damaging property and gathering crowds to

disturb transport order.” Helped by a network of activists, Chen sought refuge at the United States Embassy in Beijing. Following tense negotiations between the US and China over several weeks, Chen was finally allowed to leave with his family on May 19 to study in the US, after central government envoys gave assurances there would be an investigation **into his unlawful detention. Chen Kegui, Chen’s nephew**, faces homicide charges for injuring several guards who raided Chen’s brother’s home in the middle of the night after they realized Chen had escaped. Local judicial authorities barred Chen Kegui’s lawyers from representing him, claiming they had already appointed a legal aid lawyer for him.

On July 25, Hunan activist Zhu Chengzhi was formally arrested on a charge of “inciting subversion of state power” for exposing the suspicious conditions surrounding the alleged suicide of veteran dissident Li Wangyang. Li, who spent most of his life imprisoned, was found hanged in a hospital room in Shaoyang city, Hunan province, on June 6, his feet touching the ground. His suspicious death prompted an internet outcry amongst Chinese rights activists and led to several large demonstrations in Hong Kong. Relatives and supporters of Li were placed under house arrest to stop them challenging the results of a second party-led investigation into the case, which **Li’s supporters** see as a part of the official cover-up.

On August 13, police detained a dozen activists in Beijing and arrested another, Peng Lanlan, in Hunan province. These activists had pressed the State Council to disclose government-held information about implementing **measures of the country’s second** National Human Rights Action plan, publicized earlier in June.

Legal Reforms

While legal reforms effectively stalled under the Hu-Wen leadership and the government rejects judicial independence, large parts of the legal community continue to be a force for change, spurred by increasing popular legal awareness and activism. The party maintains authority over all judicial institutions and mechanisms, and coordinates the work of the judiciary through its political and legal committees. The Public Security, or police, remains its most powerful actor. Forced confessions under torture remain prevalent and miscarriages of justice frequent due to weak courts and tight limits on the rights of the defense.

In March 2012, in an effort to reduce such cases and improve the administration of justice, the government adopted comprehensive revisions to the Criminal Procedure Law (CPL). **However, the new revisions also legalize the power of the police to place “state security, terrorism, and major corruption” suspects in detention in a location of the police’s choice, outside the formal detention system, for up to six months.** These measures put suspects at risk of torture while giving the government a **justification for “disappearance” of dissidents and activists.**

Domestic critics of the administrative detention system of “reeducation through labor,” frequently used against people petitioning the authorities for redress, received a boost following a national outcry over the police sentencing to 18 months a woman who had pressed officials over the rape of her 11-year-old daughter. She was released after approximately a week in detention.

China continued in 2012 to lead the world in executions. The exact number remains a state secret but experts estimate it to be 5,000 to 8,000 a year.

Freedom of Expression

Government restrictions on journalists, bloggers, and an estimated 538 million internet users continued to violate domestic and international legal guarantees of freedom of press and expression. Sina Weibo, the largest of China’s **social media microblog services**, gives 300 million subscribers space to express opinions and discontent to an extent previously unavailable. But like all online content, Weibo is subject to strict scrutiny and **manipulation by China’s censors tasked** with shaping online debate in line with government policy. Alternative social media operations including Twitter, YouTube, and Facebook are blocked.

In mid-June, internet censors blocked all searches for Yili milk powder, an infant formula, after the company recalled products contaminated with mercury. Government censors excised eight pages of *Southern Weekend newspaper’s* coverage of the disastrous July 21-22 Beijing flood that caused widespread property damage and disrupted transportation infrastructure. On **September 12, censors banned searches for the name “Jinping” amid**

frantic speculation as to why Chinese Vice President Xi Jinping had disappeared from public view and from mention in Chinese state media for almost two weeks. He later reappeared with no official explanation for his absence.

At least 27 Chinese journalists were serving prison terms in 2012 due to ambiguous laws on **“revealing state secrets”** and **“inciting subversion.”** Journalists are also at risk of perceived violations of censorship restrictions. *Southern Metropolitan* editor Yu Chen was removed from his position after an anonymous posting to the paper’s website criticized the Chinese Communist Party’s control over the People’s Liberation Army. *Xian Evening News* reporter Shi Junrong was suspended on July 2 for an unspecified time for writing a June 27 expose about local Communist Party member spending money on cigarettes. He remained suspended at this writing.

Journalists who report on sensitive topics remained vulnerable to physical violence in 2012. In one of the higher profile of such incidents, **Lei Zhaohe, a reporter with Hong Kong’s Asia Television**, was punched and kicked by two men on August 10 while filming police detain protesters outside a courthouse in Hefei, Anhui province. Other journalists at the scene identified the two men as plainclothes police.

2012 marked the first expulsion of a foreign journalist since 1998. On May 7, the Chinese government expelled Al Jazeera correspondent Melissa Chan for alleged violations of unspecified rules and regulations. **On August 21, the Foreign Correspondents’ Clubs of Hong Kong, China, and Shanghai issued a joint statement expressing “extreme concern”** over four incidents between July 28-August 12 in which seven foreign journalists were **“threatened, harassed and even beaten.”** The statement said that several of those incidents **“involved members of the official security forces and associated elements.”**

The Chinese government sought to extend its stringent controls on freedom of expression overseas on at least two occasions. In March, the Chinese government successfully pressured the organizers of the annual London Book fair to exclude any dissident or exiled Chinese writers from the list of official participants. In September, the Chinese consulate in San Francisco unsuccessfully sought to persuade the mayor of Corvallis, Oregon, to remove a mural on a private building that supported Tibetan and Taiwanese independence.

Freedom of Religion

Despite a constitutional guarantee of freedom of religion, the Chinese government restricts religious practices to officially approved mosques, churches, temples, and monasteries. The government also audits the activities, employee details, and financial records of religious bodies. Religious personnel appointments, religious publications, and seminary applications are subject to government review.

Unregistered spiritual groups such as Protestant “house churches” are deemed unlawful and the government subjects their members to fines and prosecution. The government classifies Falun Gong—a meditation-focused spiritual group banned since July 1999—as an **“an evil cult”** and **arrests**, harasses, and intimidates its members.

In February, municipal religious management officials in Wugang city, Hunan province, **required parents to sign a guarantee to not participate in “evil cult” activities** as a condition for registering their children in city schools. The registration was part of a wider municipal campaign against Falun Gong and Protestant house churches during the Chinese Lunar New Year period.

On August 22, the Shanghai municipal government indefinitely suspended classes at the **city’s Sheshan Catholic seminary as a reprisal related to** the July 7 decision of Ma Daqin, the new auxiliary bishop of Shanghai, to resign from the official Chinese Catholic Patriotic Association. Ma has been under house arrest following his decision and remained so at this writing.

The government continues to heavily restrict religious activities in the name of security in ethnic minority areas. See sections below on Tibet and Xinjiang.

Health and Disability Rights

The government remains hostile towards claims for compensation stemming from the 1990s blood scandal in Henan province. On August 27, baton-wielding police beat several members of a group of 300 people with HIV-AIDS protesting outside headquarters of the Henan provincial government headquarters in Zhengzhou. The crowd was protesting the

government's refusal to pay compensation to those infected with the virus via government-organized mass blood plasma sales in Henan province in the 1990s.

The government's National Human Rights Action Plan (2012-2015) issued on June 11 commits the government to greater protection from widespread heavy metal pollution, yet no redress or medical attention had materialized at this writing for children poisoned by lead in Henan, Yunnan, Shaanxi, and Hunan in recent years.

Although it is a party to the Convention on the Rights of Persons with Disabilities (CRPD), **China's protections of the rights of persons with disabilities** remains inadequate. During **China's first CRPD review on September 18-19** in Geneva, government officials generally denied the existence of abuses and their failure to provide people with disabilities access to information, justice, and basic services.

On October 26, the Chinese government adopted a mental health law, which had been in the works for more than 20 years. The law has numerous flaws, including inadequate safeguards to protect against involuntary detention in psychiatric institutions.

Women's Rights

Women's reproductive rights and access to reproductive health remain severely curtailed under **China's family planning regulations**. **The government continues to impose** administrative sanctions, fines, and coercive measures, including forced abortion. In recent years coercive birth control policies increasingly extend to ethnic minority areas such as Tibet and Xinjiang. These policies contribute to an increasing gender-imbalance (118.08 males for every 100 females according to the 2010 census), which in turn contribute to different rights violations, including forced marriage and trafficking.

The government's erratic and punitive crackdowns on sex work often lead to serious abuses, including physical and sexual violence, increased disease risk, and constrained access to justice **for the country's** estimated 4 to 10 million sex workers.

Although the government acknowledges that domestic violence, employment discrimination, and discriminatory social attitudes are acute and widespread, it limits the activities of **independent women's rights groups and discourages public interest litigation**.

Migrant and Labor Rights

Chinese workers are becoming more active and outspoken in their efforts to improve wages and conditions despite the absence of meaningful union representation. The official All-China Federation of Trade Unions (ACFTU) **is the sole legal representative of China's** workers due to a ban on independent labor unions.

Nongovernmental labor groups devoted to protecting migrant workers' rights in Guangdong province's assembly manufacturing areas came under sustained attack from government officials and security forces in 2012. In 2012, government authorities or landlords under pressure from local government officials targeted at least a dozen other migrant labor NGOs in Shenzhen with forced evictions. On August 30, two dozen plainclothes thugs who appeared to be operating at official behest attacked the Shenzhen office of Little Grass Center for Migrant Workers, smashing windows and breaking the front door in an apparent act of intimidation.

In June, joint research by the official **All-China Women's Federation and the Guangdong** provincial judiciary revealed that thousands of children left behind in rural villages by their migrant worker parents due to restrictions of the *hukou* (household registration) system are victims of sexual abuse. The *hukou* system, which the government has pledged to abolish, unfairly limits the access of **China's 220 million migrant workers** to education, medical services, and housing.

Sexual Orientation and Gender Identity

The Chinese government stopped classifying homosexuality as a mental illness in 2001 following decriminalization of homosexual behavior in 1997. In June, more than 80 lesbian, gay, bisexual, and **transgender (LGBT) activists gathered in Beijing for China's first LGBT** conference. However, activists describe deliberate official harassment through occasional police raids on popular gay venues. China also lacks anti-discrimination laws based on

sexual orientation and the state does not recognize same sex relationships or adoption rights.

In September, parents of gay men and women protested the publication of an educational booklet produced for Zhejiang province's Hangzhou Education Bureau that described homosexuality as "sexual deviance" and advocated that parents seek to "prevent" it. The publishing company later announced those passages would be excised from the booklet's second edition in October.

In May, for the second year in a row, the Beijing LGBT Center was the target of a forced eviction after the center's landlord insisted that homosexuality was "too sensitive" a topic for his property and demanded the center relocate. The facility subsequently relocated.

Tibet

The situation in the Tibet Autonomous Region (TAR) and the neighboring Tibetan autonomous areas of Qinghai, Sichuan, Gansu, and Yunnan provinces remained tense following the massive crackdown on popular protests that swept the plateau in 2008, and the introduction of measures designed to place all Tibetan monasteries under the direct control of government officials who will be permanently stationed there.

The government has yet to indicate that it will accommodate the aspirations of Tibetan people for greater autonomy, even within the narrow confines of the country's autonomy law on ethnic minorities' areas. At this writing, 85 Tibetans had self-immolated since the first recorded case on February 27, 2009—72 of them in 2012 alone. At least 69 of those who self-immolated have died.

Chinese security forces maintain a heavy presence and the authorities continue to tightly restrict access and travel to Tibetan areas, particularly for journalists and foreign visitors. Tibetans suspected of being critical of political, religious, cultural, or economic state policies are systematically targeted on charges of "separatism." On June 18, a Sichuan province court sentenced senior Tibetan cleric, Yonten Gyatso, to seven years in prison for disseminating information about the situation in Tibet and contacting human rights organizations abroad.

Secret arrests and torture in custody remains widespread. In June, a 36-year-old Tibetan monk named Karwang died due to prolonged torture in police custody in Ganzi (Kardze in Tibetan). He had been arrested mid-May on suspicion of having put up posters calling for Tibetan independence.

As part of its **drive to build “a New Socialist Countryside” on the Tibetan plateau**, the government continues to implement large development programs mandating rehousing or relocating up to 80 percent of the rural population. The relocation policies have been carried out—contrary to Chinese government claims—with no effective choice and without genuine consultation of those affected, while compensation mechanisms are opaque and inadequate. Pastoralists deprived of their traditional livelihood face declining living standards and increased dependency on government subsidies.

Xinjiang

Under the guise of counterterrorism and “anti-separatism” efforts, the government maintains a pervasive system of ethnic discrimination against Uighurs and other ethnic minorities in the Xinjiang Uighur Autonomous Region, and sharply curbs religious and cultural expression. Politically motivated arrests are common.

A pervasive atmosphere of fear among the Uighur population contributes to growing ethnic polarization. Factors contributing to this bleak atmosphere include the omnipresence of the secret police, the recent history of disappearances, and an overtly politicized judiciary.

Also contributing to this polarization is the legacy of the Urumqi riots of July 2009, the most deadly episode of ethnic unrest in recent Chinese history. The government has not accounted for hundreds of persons detained after the riots, investigated serious allegations of torture and ill-treatment of detainees that have surfaced in testimonies of refugees and relatives living outside China, or released definitive numbers or names of victims—the majority of whom were ethnic Chinese—killed during the riots.

Several violent incidents took place in a year of increasing restrictions on religious and cultural expression. In one of the most severe, On February 28, a group of Uighurs, led by a

man the government claimed was an underground radical cleric, attacked passers-by in a mainly Chinese-inhabited street of Yechen (Kargilik in Uighur), killing at least 12 people. The cleric, Abdudukeremu Mamut, was sentenced to death on March 26.

A policy to raze traditional Uighur neighborhoods and relocate or forcibly evict inhabitants, accompanied by a campaign to settle the majority of the nomadic and pastoralist population of Xinjiang, are the most visible aspects of a comprehensive development policy launched in 2010 that is supposed to reduce socio-economic disparities and lift the **livelihood of ethnic groups and help “smash separatist sentiment.”**

Hong Kong

Civic groups and the public have challenged the Hong Kong government on rights issues. Hong Kong authorities appear unwilling to deviate much from pro-Beijing interests. They have **not moved towards universal suffrage as mandated by the territory’s mini-constitution**, and have shown weakness in safeguarding **the territory’s autonomy, civil and political freedoms**, and the rule of law.

In September, the government bowed to popular pressure and suspended introducing patriotic education teaching material aimed at inculcating loyalty to the Chinese Communist Party. Concerns continue to grow about the use of excessively restrictive methods by the police in controlling assembly and procession, and over the Immigration **Department’s arbitrary bans on individuals** critical of Beijing. Concerns are also growing about the failure of the government to properly investigate the rising number of claims that mainland security personnel or individual working at their behest are operating in the territory, monitoring or intimidating critics of the Beijing government.

In July, two mainland petitioners were each sentenced to 14 months of “reeducation through labor” in their home province of Jiangxi for having participated to the annual July 1st pro-democracy demonstration in Hong Kong, the first known such instance.

Key International Actors

Despite claims to “making unremitting efforts” at peace in Syria, the Chinese government, along with Russia, vetoed three resolutions aimed at pressuring the Syrian government.

China also demonstrated its disdain for international law by pushing back from Yunnan province at least 7,000 ethnic Kachin refugees into a conflict zone in northern Burma, insisting that they were not refugees.

Although the United States won praise for helping Chen Guangcheng and his family, neither it nor other governments moved to alter or improve their largely ineffective bilateral human rights dialogues with the Chinese government. Few of these dialogues involve meaningful participation by civil society groups.

In early April, Japanese Diet members adopted a highly unusual resolution on Tibet calling for the Chinese government to resume talks with the Dalai Lama. Beijing also found itself forced to respond to critical South Korean press reports that China had forcibly repatriated North Koreans; in response, Beijing allowed a handful of North Koreans sheltered in the South Korean consulates in China to depart for Seoul.